

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAWRENCE O. DANIELS,

Defendant.

Case No. 3:08-CR-30185-NJR-1

ORDER

ROSENSTENGEL, Chief Judge:

Pending before the Court is an Amended Motion to Authorize Payment from Inmate Trust Account filed by the United States of America. (Doc. 190). The Government seeks an order, pursuant to 18 U.S.C. §§ 3613(a), 3664(k), and 3664(n), authorizing the Bureau of Prisons (BOP) to turn over to the Clerk of Court non-exempt funds held in the inmate trust account of Defendant Lawrence Daniels.¹ The funds would be applied as payment toward the criminal monetary penalties imposed in this case.

In support of its motion, the Government notes that on May 13, 2009, the Court sentenced Daniels to 370 months in prison to be followed by 60 months of supervised release. (Doc. 69). The Court also ordered Daniels to pay a special assessment of \$700 and a fine of \$17,500. Daniels has paid his special assessment, but owes \$10,892.11 on the fine — as of June 16, 2022.

¹ The reference to 18 U.S.C. §3664(k) and 3664(n) appears to be an error, as that statute deals with the collection of restitution, which Daniels was not ordered to pay. The other statute referenced, 18 U.S.C. § 3613(a), addresses civil remedies for satisfaction of an unpaid fine.

On May 25, 2022, the Government learned that Daniels had a balance of \$5,244.62 in his inmate trust account. (Doc. 190, p. 2).² The Government sent a letter to the Warden of USP Florence, and Daniels's inmate account was encumbered. (*Id.*). The BOP now has possession, custody, or control of \$5,244.62 in encumbered funds belonging to Daniels.³

Daniels responded to the Government's Amended Motion to Authorize Payment mentioning new payments in the amount of \$212.00 monthly, a new contract, and that he seeks "a fair, sound, reasonable payment plan...." (Doc. 196, p. 3). However, the Government has a lien on all of Daniels's property—just as if the Government held a tax lien on his property. *See* 18 U.S.C. § 3613(c); *United States v. Lemberger*, 673 F. App'x 579, 580 (7th Cir. 2017). Daniels's inmate trust account is not exempt from enforcement. *See* 18 U.S.C. § 3613(a).

Daniels also sarcastically asks the Government whether Daniels's serious crime is like other recent serious crimes in the media. (Doc. 198, p. 3). During Daniels's sarcastic attack, he uses inappropriate language and accuses the Government and the Court of nefarious mendacious suggestions. This is not the first time Daniels has attacked the Court. Daniels wrote a letter to the Court in January 2022 including the following verses:

When it come to you to adjudicate;
Your action definitely won't pass you through Heaven Gate;
For Honor you cheaply sell;
Your [] end is bound for HELL;
Even though you is the Chief;

² On June 1, 2021, the Court granted the Government's first Motion to Authorize Payment from Inmate Trust Account. (Doc. 172). At that time, the Government encumbered only \$3,046.44. Thus, Daniels had \$1,049.08 in his account.

³ On June 13, 2022, Daniels advised the Court that he had been transferred to USP Thomson. (Doc. 187). The Government's amended motion was filed a few days later.

To one RIGHTS you are only a common thief.

(Doc. 180, p. 5).

This disrespect is unacceptable and will not be tolerated. In *Illinois v. Allen*, 397 U.S. 337, 346-47 (1970), the Supreme Court noted the following:

It would degrade our country and our judicial system to permit our courts to be bullied, insulted, and humiliated and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes. As guardians of the public welfare, our state and federal judicial systems strive to administer equal justice to the rich and the poor, the good and the bad, the native and foreign born of every race, nationality, and religion. Being manned by humans, the courts are not perfect and are bound to make some errors. But, if our courts are to remain what the Founders intended, the citadels of justice, their proceedings cannot and must not be infected with the sort of scurrilous, abusive language and conduct paraded before the Illinois trial judge in this case.

The Court will not be bullied or insulted by Daniels anymore. *See* Doc. 180, p. 3 (“I will NOT let one take advantage out me or impose their will on me in a physical threaten manner, PERIOD!, and will take necessary precaution to ensure the SAFETY of my LIFE”). Daniels even used the f-word and calls the Court hypocritical. (*Id.* at p. 4). “A federal court has the authority to punish contempt by imprisonment.” *United States v. Britton*, 731 F.3d 745, 749 (7th Cir. 2013) (citing 18 U.S.C. § 401). Contempt includes “[m]isbehavior of any person in [the court’s] presence or so near thereto as to obstruct the administration of justice[.]” 18 U.S.C. § 401. Daniels is **WARNED** that he may be subject to criminal contempt for further misbehavior or actions of disrespect.

For these reasons, the Motion to Authorize Payment from Inmate Trust Account (Doc. 190) is **GRANTED**. The Bureau of Prisons is **ORDERED** to turn over to the Clerk of Court the amount of \$5,244.62. The Clerk of Court shall accept the deposit from the

funds currently held in the trust account for the following inmate:

Inmate Name: Lawrence Daniels
Inmate Number: 08036-025
Inmate Facility: USP Thomson
1100 One Mile Road
Thomson, IL 61285

The Clerk shall apply these funds as payment toward the criminal monetary penalties owed by Daniels in this case. Payments are to be made payable to the Clerk of the District Court, 750 Missouri Avenue, East St. Louis, Illinois 62201. The Government is **ORDERED** to provide a copy of this Order to the Bureau of Prisons.

IT IS SO ORDERED.

DATED: August 1, 2022

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the Eastern District of Illinois.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge